REMARKS

Claims 2, 3 and 5-7 are pending in the application. Claims 2, 3 and 5-7 are rejected under 35 U.S.C. §112. Claims 2, 3, 5 and 6 are currently amended to obviate the §112 rejections by providing antecedent basis to "an intermediate point" and to clarify the existing limitation of the time out period in the claims.

New Claims 8-28 have been added

Background.

The present application is directed to a system of enhanced internet telephony that allows reliable telephony communication over an internetwork, such as the Internet. One obstacle to such communication is time out conditions pre-existing in intermediate points of the internetwork. Time out conditions exist for various reasons, such as increasing security, reducing congestion, and sharing resources. One such intermediate point is a router that performs network address translation according to a dynamic addressing protocol. In a dynamic protocol, the router reassigns network addresses periodically at the end of a time out period. The time out period is useful in networking in preventing unwanted traversal of the router. However, such a time out period is problematic in internet telephony which requires the intermediate points in the communication path to remain open for the duration of a communication. The present application solves this problem by periodically prompting the source to transmit a signal which cause the time-out period to reset thus maintaining the communication path.

Borella et al. is directed to an Internet telephony system implemented across intermediate points that are routers performing network address translation. The specification details the addressing steps required (see Fig. 3) to traverse routers 18 and 20 necessary to allow the VoIP call (see Fig. 4) between telephony devices 24 and 27 over the Internet 12. Borella is silent on how to overcome the obstacle presented by a time out period of a router that dynamically reassigns network addresses.

LeMaire et al. is directed to filtering LAN multicast packets by enhancing intermediate point bridges. According to the invention, the intermediate point bridges are assigned a time out period so that the bridge can advantageously filter out extraneous

deliveries of multicast packets within a LAN. Thus, the time out period is in LeMaire implemented advantageously and there is no disclosure of a solution to preventing the time out period from closing a desired communication path.

The Rejections

Claims 2, 3, 5 and 6 are rejected as obvious over Borella et al. U.S. 6,731,642 in view of LeMaire et al. U.S. 6,169,741. Dependent claim 7 is rejected as obvious over Borella et al. in view of LeMaire et al., further in view of Lautenschlager et al. U.S. PUB. 2003/0174695.

The rejection of independent Claims 2 and 5 is based upon a combination of Borella et al. with LeMaire et al.: "... to implement a router time-out port as associated in the process of setting up calls as taught by LeMaire with the teachings of Borella for the purpose of managing response/queries-in call setup as to minimize congestion at a port."(Office Action pg. 4).

As discussed above, a time out period is an obstacle to the implementation of an Internet telephony system. Borella et al. is silent as to how to overcome a time out condition implemented on one of its intermediate points. LeMaire et al. describe implementing a time out condition on an intermediate point. Because the proposed combination would present an obstacle to Borella et al.'s internet telephony, there is no motivation to combine the references. The rejections based on the combination are thus improper as a matter of law. Applicant solicits withdrawal of the rejections and reconsideration of the independent claims.

Furthermore, notwithstanding the impropriety of the combination, the references do not render the invention as claimed obvious because not all claim limitations are taught. For example, claims 2 and 5 as amended both require "preventing the port from timing out by repeatedly sending subsequent messages from the destination over the Internet to the intermediate point".

However, Borella et al. is silent on time out periods. LeMaire et al. does not teach how to sustain internet telephony by preventing time out periods. Thus, notwithstanding their improper combination, the references fail to teach all claim limitations.

Accordingly, applicant solicits withdrawal of the rejections, reconsideration of the claims and timely notice of allowability.

Dependent claims 3, 6 and 7 are each patentable at least by virtue of their dependence without need to revert to the further patentable limitations contained therein. Accordingly, withdrawal of the rejections of claims 3, 6 and 7 is solicited.

Applicant solicits consideration of new claims 8-28. No new matter has been added.

Respectfully submitted,

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